

AMENDMENT NO. _____ Calendar No. _____

Purpose: To reauthorize the secure rural schools and community self-determination program and to provide funding for the payments in lieu of taxes program.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

H. R. 1591

Making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. WYDEN (for himself, Mr. REID, Mr. BAUCUS, Mr. BINGAMAN, Mr. SMITH, Ms. CANTWELL, Mr. DOMENICI, Mrs. BOXER, Mr. CRAIG, Mrs. MURRAY, Mr. CRAPO, Mr. TESTER, Mr. STEVENS, and Mr. BENNETT)

Viz:

1 Beginning on page 75, strike line 25 and all that fol-
2 lows through page 76, line 15, and insert the following:

3 **SEC. 2601. SECURE RURAL SCHOOLS AND COMMUNITY**
4 **SELF-DETERMINATION PROGRAM.**

5 (a) REAUTHORIZATION OF THE SECURE RURAL
6 SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT
7 OF 2000.—The Secure Rural Schools and Community

1 Self-Determination Act of 2000 (16 U.S.C. 500 note; Pub-
2 lic Law 106–393) is amended by striking sections 1
3 through 403 and inserting the following:

4 **“SECTION 1. SHORT TITLE.**

5 “This Act may be cited as the ‘Secure Rural Schools
6 and Community Self-Determination Act of 2000’.

7 **“SEC. 2. PURPOSES.**

8 “The purposes of this Act are—

9 “(1) to stabilize and transition payments to
10 counties to provide funding for schools and roads
11 that supplements other available funds;

12 “(2) to make additional investments in, and
13 create additional employment opportunities through,
14 projects that—

15 “(A)(i) improve the maintenance of exist-
16 ing infrastructure;

17 “(ii) implement stewardship objectives that
18 enhance forest ecosystems; and

19 “(iii) restore and improve land health and
20 water quality;

21 “(B) enjoy broad-based support; and

22 “(C) have objectives that may include—

23 “(i) road, trail, and infrastructure
24 maintenance or obliteration;

25 “(ii) soil productivity improvement;

1 “(iii) improvements in forest eco-
2 system health;

3 “(iv) watershed restoration and main-
4 tenance;

5 “(v) the restoration, maintenance, and
6 improvement of wildlife and fish habitat;

7 “(vi) the control of noxious and exotic
8 weeds; and

9 “(vii) the reestablishment of native
10 species; and

11 “(3) to improve cooperative relationships
12 among—

13 “(A) the people that use and care for Fed-
14 eral land; and

15 “(B) the agencies that manage the Federal
16 land.

17 **“SEC. 3. DEFINITIONS.**

18 “In this Act:

19 “(1) ADJUSTED SHARE.—The term ‘adjusted
20 share’ means the number equal to the quotient ob-
21 tained by dividing—

22 “(A) the number equal to the quotient ob-
23 tained by dividing—

24 “(i) the base share for the eligible
25 county; by

1 “(ii) the income adjustment for the el-
2 igible county; by

3 “(B) the number equal to the sum of the
4 quotients obtained under subparagraph (A) and
5 paragraph (8)(A) for all eligible counties.

6 “(2) BASE SHARE.—The term ‘base share’
7 means the number equal to the average of—

8 “(A) the quotient obtained by dividing—

9 “(i) the number of acres of Federal
10 land described in paragraph (7)(A) in each
11 eligible county; by

12 “(ii) the total number acres of Fed-
13 eral land in all eligible counties in all eligi-
14 ble States; and

15 “(B) the quotient obtained by dividing—

16 “(i) the amount equal to the average
17 of the 3 highest 25-percent payments and
18 safety net payments made to each eligible
19 State for each eligible county during the
20 eligibility period; by

21 “(ii) the amount equal to the sum of
22 the averages calculated under clause (i)
23 and paragraph (9)(B)(i) for all eligible
24 counties in all eligible States during the
25 eligibility period.

1 “(3) COUNTY PAYMENT.—The term ‘county
2 payment’ means the payment for an eligible county
3 calculated under section 101(b).

4 “(4) ELIGIBLE COUNTY.—The term ‘eligible
5 county’ means any county that—

6 “(A) contains Federal land (as defined in
7 paragraph (7)); and

8 “(B) elects to receive a share of the State
9 payment or the county payment under section
10 102(b).

11 “(5) ELIGIBILITY PERIOD.—The term ‘eligi-
12 bility period’ means fiscal year 1986 through fiscal
13 year 1999.

14 “(6) ELIGIBLE STATE.—The term ‘eligible
15 State’ means a State or territory of the United
16 States that received a 25-percent payment for 1 or
17 more fiscal years of the eligibility period.

18 “(7) FEDERAL LAND.—The term ‘Federal land’
19 means—

20 “(A) land within the National Forest Sys-
21 tem, as defined in section 11(a) of the Forest
22 and Rangeland Renewable Resources Planning
23 Act of 1974 (16 U.S.C. 1609(a)) exclusive of
24 the National Grasslands and land utilization
25 projects designated as National Grasslands ad-

1 ministered pursuant to the Act of July 22,
2 1937 (7 U.S.C. 1010–1012); and

3 “(B) such portions of the revested Oregon
4 and California Railroad and reconveyed Coos
5 Bay Wagon Road grant land as are or may
6 hereafter come under the jurisdiction of the De-
7 partment of the Interior, which have heretofore
8 or may hereafter be classified as timberlands,
9 and power-site land valuable for timber, that
10 shall be managed, except as provided in the
11 former section 3 of the Act of August 28, 1937
12 (50 Stat. 875; 43 U.S.C. 1181c), for permanent
13 forest production.

14 “(8) 50-PERCENT ADJUSTED SHARE.—The
15 term ‘50-percent adjusted share’ means the number
16 equal to the quotient obtained by dividing—

17 “(A) the number equal to the quotient ob-
18 tained by dividing—

19 “(i) the 50-percent base share for the
20 eligible county; by

21 “(ii) the income adjustment for the el-
22 igible county; by

23 “(B) the number equal to the sum of the
24 quotients obtained under subparagraph (A) and
25 paragraph (1)(A) for all eligible counties.

1 “(9) 50-PERCENT BASE SHARE.—The term ‘50-
2 percent base share’ means the number equal to the
3 average of—

4 “(A) the quotient obtained by dividing—

5 “(i) the number of acres of Federal
6 land described in paragraph (7)(B) in each
7 eligible county; by

8 “(ii) the total number acres of Fed-
9 eral land in all eligible counties in all eligi-
10 ble States; and

11 “(B) the quotient obtained by dividing—

12 “(i) the amount equal to the average
13 of the 3 highest 50-percent payments made
14 to each eligible county during the eligibility
15 period; by

16 “(ii) the amount equal to the sum of
17 the averages calculated under clause (i)
18 and paragraph (2)(B)(i) for all eligible
19 counties in all eligible States during the
20 eligibility period.

21 “(10) 50-PERCENT PAYMENT.—The term ‘50-
22 percent payment’ means the payment that is the
23 sum of the 50-percent share otherwise paid to a
24 county pursuant to title II of the Act of August 28,
25 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f),

1 and the payment made to a county pursuant to the
2 Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43
3 U.S.C. 1181f–1 et seq.).

4 “(11) FULL FUNDING AMOUNT.—The term ‘full
5 funding amount’ means—

6 “(A) \$526,079,656 for fiscal year 2007;

7 “(B) \$520,000,000 for fiscal year 2008;

8 and

9 “(C) for fiscal year 2009 and each fiscal
10 year thereafter, the amount that is equal to 90
11 percent of the full funding amount for the pre-
12 ceding fiscal year.

13 “(12) INCOME ADJUSTMENT.—The term ‘in-
14 come adjustment’ means the square of the quotient
15 obtained by dividing—

16 “(A) the per capita personal income for
17 each eligible county; by

18 “(B) the median per capita personal in-
19 come of all eligible counties.

20 “(13) PER CAPITA PERSONAL INCOME.—The
21 term ‘per capita personal income’ means the most
22 recent per capita personal income data, as deter-
23 mined by the Bureau of Economic Analysis.

24 “(14) SAFETY NET PAYMENTS.—The term
25 ‘safety net payments’ means the special payment

1 amounts paid to States and counties required by
2 section 13982 or 13983 of the Omnibus Budget
3 Reconciliation Act of 1993 (Public Law 103–66; 16
4 U.S.C. 500 note; 43 U.S.C. 1181f note).

5 “(15) SECRETARY CONCERNED.—The term
6 ‘Secretary concerned’ means—

7 “(A) the Secretary of Agriculture or the
8 designee of the Secretary of Agriculture with
9 respect to the Federal land described in para-
10 graph (7)(A); and

11 “(B) the Secretary of the Interior or the
12 designee of the Secretary of the Interior with
13 respect to the Federal land described in para-
14 graph (7)(B).

15 “(16) STATE PAYMENT.—The term ‘State pay-
16 ment’ means the payment for an eligible State cal-
17 culated under section 101(a).

18 “(17) 25-PERCENT PAYMENT.—The term ‘25-
19 percent payment’ means the payment to States re-
20 quired by the sixth paragraph under the heading of
21 ‘FOREST SERVICE’ in the Act of May 23, 1908 (35
22 Stat. 260; 16 U.S.C. 500), and section 13 of the Act
23 of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

1 **“TITLE I—SECURE PAYMENTS**
2 **FOR STATES AND COUNTIES**
3 **CONTAINING FEDERAL LAND**

4 **“SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING**
5 **FEDERAL LAND.**

6 “(a) STATE PAYMENT.—For each of fiscal years
7 2007 through 2011, the Secretary of Agriculture shall cal-
8 culate for each eligible State an amount equal to the sum
9 of the products obtained by multiplying—

10 “(1) the adjusted share for each eligible county
11 within the eligible State; by

12 “(2) the full funding amount for the fiscal year.

13 “(b) COUNTY PAYMENT.—For each of fiscal years
14 2007 through 2011, the Secretary of the Interior shall cal-
15 culate for each eligible county that received a 50-percent
16 payment during the eligibility period an amount equal to
17 the product obtained by multiplying—

18 “(1) the 50-percent adjusted share for the eligi-
19 ble county; by

20 “(2) the full funding amount for the fiscal year.

21 **“SEC. 102. PAYMENTS TO STATES AND COUNTIES.**

22 “(a) PAYMENT AMOUNTS.—Except as provided in
23 section 103, the Secretary of the Treasury shall pay to—

1 “(1) a State an amount equal to the sum of the
2 amounts elected under subsection (b) by each county
3 within the State for—

4 “(A) if the county is eligible for the 25-
5 percent payment, the share of the 25-percent
6 payment; or

7 “(B) the share of the State payment of the
8 eligible county; and

9 “(2) a county an amount equal to the amount
10 elected under subsection (b) by each county for—

11 “(A) if the county is eligible for the 50-
12 percent payment, the 50-percent payment; or

13 “(B) the county payment for the eligible
14 county.

15 “(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

16 “(1) ELECTION; SUBMISSION OF RESULTS.—

17 “(A) IN GENERAL.—The election to receive
18 a share of the State payment, the county pay-
19 ment, a share of the State payment and the
20 county payment, a share of the 25-percent pay-
21 ment, the 50-percent payment, or a share of the
22 25-percent payment and the 50-percent pay-
23 ment, as applicable, shall be made at the discre-
24 tion of each affected county by August 1, 2007,
25 and August 1 of each second fiscal year there-

1 after, in accordance with paragraph (2), and
2 transmitted to the Secretary concerned by the
3 Governor of each eligible State.

4 “(B) FAILURE TO TRANSMIT.—If an elec-
5 tion for an affected county is not transmitted to
6 the Secretary concerned by the date specified
7 under subparagraph (A), the affected county
8 shall be considered to have elected to receive a
9 share of the State payment, the county pay-
10 ment, or a share of the State payment and the
11 county payment, as applicable.

12 “(2) DURATION OF ELECTION.—

13 “(A) IN GENERAL.—A county election to
14 receive a share of the 25-percent payment or
15 50-percent payment, as applicable shall be ef-
16 fective for 2 fiscal years.

17 “(B) FULL FUNDING AMOUNT.—If a coun-
18 ty elects to receive a share of the State payment
19 or the county payment, the election shall be ef-
20 fective for all subsequent fiscal years through
21 fiscal year 2011.

22 “(3) SOURCE OF PAYMENT AMOUNTS.—The
23 payment to an eligible State or eligible county under
24 this section for a fiscal year shall be derived from—

1 “(A) any revenues, fees, penalties, or mis-
2 cellaneous receipts, exclusive of deposits to any
3 relevant trust fund, special account, or perma-
4 nent operating funds, received by the Federal
5 Government from activities by the Bureau of
6 Land Management or the Forest Service on the
7 applicable Federal land; and

8 “(B) to the extent of any shortfall, out of
9 any amounts in the Treasury of the United
10 States not otherwise appropriated.

11 “(c) DISTRIBUTION AND EXPENDITURE OF PAY-
12 MENTS.—

13 “(1) DISTRIBUTION METHOD.—A State that re-
14 ceives a payment under subsection (a) for Federal
15 land described in section 3(7)(A) shall distribute the
16 appropriate payment amount among the appropriate
17 counties in the State in accordance with—

18 “(A) the Act of May 23, 1908 (16 U.S.C.
19 500); and

20 “(B) section 13 of the Act of March 1,
21 1911 (36 Stat. 963; 16 U.S.C. 500).

22 “(2) EXPENDITURE PURPOSES.—Subject to
23 subsection (d), payments received by a State under
24 subsection (a) and distributed to counties in accord-

1 ance with paragraph (1) shall be expended as re-
2 quired by the laws referred to in paragraph (1).

3 “(d) EXPENDITURE RULES FOR ELIGIBLE COUN-
4 TIES.—

5 “(1) ALLOCATIONS.—

6 “(A) USE OF PORTION IN SAME MANNER
7 AS 25-PERCENT PAYMENT OR 50-PERCENT PAY-
8 MENT, AS APPLICABLE.—Except as provided in
9 paragraph (3)(B), if an eligible county elects to
10 receive its share of the State payment or the
11 county payment, not less than 80 percent, but
12 not more than 85 percent, of the funds shall be
13 expended in the same manner in which the 25-
14 percent payments or 50-percent payment, as
15 applicable, are required to be expended.

16 “(B) ELECTION AS TO USE OF BAL-
17 ANCE.—Except as provided in subparagraph
18 (C), an eligible county shall elect to do 1 or
19 more of the following with the balance of any
20 funds not expended pursuant to subparagraph
21 (A):

22 “(i) Reserve any portion of the bal-
23 ance for projects in accordance with title
24 II.

1 “(ii) return the portion of the balance
2 not reserved under clause (i) to the Treas-
3 ury of the United States.

4 “(2) DISTRIBUTION OF FUNDS.—

5 “(A) IN GENERAL.—Funds reserved by an
6 eligible county under subparagraph (B)(i) or
7 (C)(i)(I) of paragraph (1) shall be deposited in
8 a special account in the Treasury of the United
9 States.

10 “(B) AVAILABILITY.—Amounts deposited
11 under subparagraph (A) shall—

12 “(i) be available for expenditure by
13 the Secretary concerned, without further
14 appropriation; and

15 “(ii) remain available until expended
16 in accordance with title II.

17 “(3) ELECTION.—

18 “(A) NOTIFICATION.—

19 “(i) IN GENERAL.—An eligible county
20 shall notify the Secretary concerned of an
21 election by the eligible county under this
22 subsection not later than September 30 of
23 each fiscal year.

24 “(ii) FAILURE TO ELECT.—Except as
25 provided in subparagraph (B), if the eligi-

1 ble county fails to make an election by the
2 date specified in clause (i), the eligible
3 county shall—

4 “(I) be considered to have elected
5 to expend 85 percent of the funds in
6 accordance with paragraph (1)(A);
7 and

8 “(II) return the balance to the
9 Treasury of the United States.

10 “(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to
11 which less than \$100,000 is distributed for any
12 fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the
13 eligible county may elect to expend all the funds
14 in the same manner in which the 25-percent
15 payments or 50-percent payments, as applicable,
16 are required to be expended.

17 “(e) TIME FOR PAYMENT.—The payments required
18 under this section for a fiscal year shall be made as soon
19 as practicable after the end of that fiscal year.

20 **“SEC. 103. TRANSITION PAYMENTS TO THE STATES OF**
21 **CALIFORNIA, OREGON, AND WASHINGTON.**

22 “(a) DEFINITIONS.—In this section:

1 “(1) ADJUSTED AMOUNT.—The term ‘adjusted
2 amount’ means, with respect to a covered State—

3 “(A) for fiscal year 2007—

4 “(i) the sum of the amounts paid in
5 fiscal year 2006 under section 102(a)(2)
6 (as in effect on September 29, 2006) for
7 the eligible counties in the covered State
8 that have elected under section 102(b) to
9 receive a share of the State payment for
10 fiscal year 2007; and

11 “(ii) the sum of the amounts paid in
12 fiscal year 2006 under section 103(a)(2)
13 (as in effect on September 29, 2006) for
14 the eligible counties in the State of Oregon
15 that have elected under section 102(b) to
16 receive the county payment for fiscal year
17 2007;

18 “(B) for fiscal year 2008, 90 percent of—

19 “(i) the sum of the amounts paid in
20 fiscal year 2006 under section 102(a)(2)
21 (as in effect on September 29, 2006) for
22 the eligible counties in the covered State
23 that have elected under section 102(b) to
24 receive a share of the State payment for
25 fiscal year 2008; and

1 “(ii) the sum of the amounts paid in
2 fiscal year 2006 under section 103(a)(2)
3 (as in effect on September 29, 2006) for
4 the eligible counties in the State of Oregon
5 that have elected under section 102(b) to
6 receive the county payment for fiscal year
7 2008;

8 “(C) for fiscal year 2009, 81 percent of—

9 “(i) the sum of the amounts paid in
10 fiscal year 2006 under section 102(a)(2)
11 (as in effect on September 29, 2006) for
12 the eligible counties in the covered State
13 that have elected under section 102(b) to
14 receive a share of the State payment for
15 fiscal year 2009; and

16 “(ii) the sum of the amounts paid in
17 fiscal year 2006 under section 103(a)(2)
18 (as in effect on September 29, 2006) for
19 the eligible counties in the State of Oregon
20 that have elected under section 102(b) to
21 receive the county payment for fiscal year
22 2009; and

23 “(D) for fiscal year 2010, 73 percent of—

24 “(i) the sum of the amounts paid in
25 fiscal year 2006 under section 102(a)(2)

1 (as in effect on September 29, 2006) for
2 the eligible counties in the covered State
3 that have elected under section 102(b) to
4 receive a share of the State payment for
5 fiscal year 2010; and

6 “(ii) the sum of the amounts paid in
7 fiscal year 2006 under section 103(a)(2)
8 (as in effect on September 29, 2006) for
9 the eligible counties in the State of Oregon
10 that have elected under section 102(b) to
11 receive the county payment for fiscal year
12 2010.

13 “(2) COVERED STATE.—The term ‘covered
14 State’ means each of the States of California, Or-
15 egon, and Washington.

16 “(b) TRANSITION PAYMENTS.—For each of fiscal
17 years 2007 through 2010, in lieu of the payment amounts
18 that otherwise would have been made under paragraphs
19 (1)(B) and (2)(B) of section 102(a), the Secretary of the
20 Treasury shall pay the adjusted amount to each covered
21 State and the eligible counties within the covered State,
22 as applicable, from funds in the Treasury of the United
23 States not otherwise appropriated.

24 “(c) DISTRIBUTION OF ADJUSTED AMOUNT IN OR-
25 EGON AND WASHINGTON.—It is the intent of Congress

1 that the method of distributing the payments under sub-
2 section (b) among the counties in the States of Oregon
3 and Washington for each of fiscal years 2007 through
4 2010 be in the same proportion that the payments were
5 distributed to the eligible counties in fiscal year 2006.

6 “(d) DISTRIBUTION OF PAYMENTS IN CALI-
7 FORNIA.—The following payments shall be distributed
8 among the eligible counties in the State of California in
9 the same proportion that payments under section
10 102(a)(2) (as in effect on September 29, 2006) were dis-
11 tributed to the eligible counties in fiscal year 2006:

12 “(1) Payments to the State of California under
13 subsection (b).

14 “(2) The shares of the eligible counties of the
15 State payment for California under section 102 for
16 fiscal year 2011.

17 “(e) TREATMENT OF PAYMENTS.—For purposes of
18 this Act, any payment made under subsection (b) shall be
19 considered to be a payment made under section 102(a).

20 **“TITLE II—SPECIAL PROJECTS**
21 **ON FEDERAL LAND**

22 **“SEC. 201. DEFINITIONS.**

23 “In this title:

24 “(1) PARTICIPATING COUNTY.—The term ‘par-
25 ticipating county’ means an eligible county that

1 elects under section 102(d) to expend a portion of
2 the Federal funds received under section 102 in ac-
3 cordance with this title.

4 “(2) PROJECT FUNDS.—The term ‘project
5 funds’ means all funds an eligible county elects
6 under section 102(d) to reserve for expenditure in
7 accordance with this title.

8 “(3) RESOURCE ADVISORY COMMITTEE.—The
9 term ‘resource advisory committee’ means—

10 “(A) an advisory committee established by
11 the Secretary concerned under section 205; or

12 “(B) an advisory committee determined by
13 the Secretary concerned to meet the require-
14 ments of section 205.

15 “(4) RESOURCE MANAGEMENT PLAN.—The
16 term ‘resource management plan’ means—

17 “(A) a land use plan prepared by the Bu-
18 reau of Land Management for units of the Fed-
19 eral land described in section 3(7)(B) pursuant
20 to section 202 of the Federal Land Policy and
21 Management Act of 1976 (43 U.S.C. 1712); or

22 “(B) a land and resource management
23 plan prepared by the Forest Service for units of
24 the National Forest System pursuant to section
25 6 of the Forest and Rangeland Renewable Re-

1 sources Planning Act of 1974l (16 U.S.C.
2 1604).

3 **“SEC. 202. GENERAL LIMITATION ON USE OF PROJECT**
4 **FUNDS.**

5 “(a) LIMITATION.—Project funds shall be expended
6 solely on projects that meet the requirements of this title.

7 “(b) AUTHORIZED USES.—Project funds may be
8 used by the Secretary concerned for the purpose of enter-
9 ing into and implementing cooperative agreements with
10 willing Federal agencies, State and local governments, pri-
11 vate and nonprofit entities, and landowners for protection,
12 restoration, and enhancement of fish and wildlife habitat,
13 and other resource objectives consistent with the purposes
14 of this Act on Federal land and on non-Federal land where
15 projects would benefit the resources on Federal land.

16 **“SEC. 203. SUBMISSION OF PROJECT PROPOSALS.**

17 “(a) SUBMISSION OF PROJECT PROPOSALS TO SEC-
18 RETARY CONCERNED.—

19 “(1) PROJECTS FUNDED USING PROJECT
20 FUNDS.—Not later than September 30 for fiscal
21 year 2007, and each September 30 thereafter for
22 each succeeding fiscal year through fiscal year 2011,
23 each resource advisory committee shall submit to the
24 Secretary concerned a description of any projects
25 that the resource advisory committee proposes the

1 Secretary undertake using any project funds re-
2 served by eligible counties in the area in which the
3 resource advisory committee has geographic jurisdic-
4 tion.

5 “(2) PROJECTS FUNDED USING OTHER
6 FUNDS.—A resource advisory committee may submit
7 to the Secretary concerned a description of any
8 projects that the committee proposes the Secretary
9 undertake using funds from State or local govern-
10 ments, or from the private sector, other than project
11 funds and funds appropriated and otherwise avail-
12 able to do similar work.

13 “(3) JOINT PROJECTS.—Participating counties
14 or other persons may propose to pool project funds
15 or other funds, described in paragraph (2), and
16 jointly propose a project or group of projects to a re-
17 source advisory committee established under section
18 205.

19 “(b) REQUIRED DESCRIPTION OF PROJECTS.—In
20 submitting proposed projects to the Secretary concerned
21 under subsection (a), a resource advisory committee shall
22 include in the description of each proposed project the fol-
23 lowing information:

1 “(1) The purpose of the project and a descrip-
2 tion of how the project will meet the purposes of this
3 title.

4 “(2) The anticipated duration of the project.

5 “(3) The anticipated cost of the project.

6 “(4) The proposed source of funding for the
7 project, whether project funds or other funds.

8 “(5)(A) Expected outcomes, including how the
9 project will meet or exceed desired ecological condi-
10 tions, maintenance objectives, or stewardship objec-
11 tives.

12 “(B) An estimate of the amount of any timber,
13 forage, and other commodities and other economic
14 activity, including jobs generated, if any, anticipated
15 as part of the project.

16 “(6) A detailed monitoring plan, including
17 funding needs and sources, that—

18 “(A) tracks and identifies the positive or
19 negative impacts of the project, implementation,
20 and provides for validation monitoring; and

21 “(B) includes an assessment of the fol-
22 lowing:

23 “(i) Whether or not the project met or
24 exceeded desired ecological conditions; cre-
25 ated local employment or training opportu-

nities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

4 “(ii) Whether the project improved
5 the use of, or added value to, any products
6 removed from land consistent with the pur-
7 poses of this title.

8 “(7) An assessment that the project is to be in
9 the public interest.

10 “(c) AUTHORIZED PROJECTS.—Projects proposed
11 under subsection (a) shall be consistent with section 2.

12 "SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY
13 SECRETARY CONCERNED.

“(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

19 “(1) The project complies with all applicable
20 Federal laws (including regulations).

21 “(2) The project is consistent with the applica-
22 ble resource management plan and with any water-
23 shed or subsequent plan developed pursuant to the
24 resource management plan and approved by the Sec-
25 retary concerned.

1 “(3) The project has been approved by the re-
2 source advisory committee in accordance with sec-
3 tion 205, including the procedures issued under sub-
4 section (e) of that section.

5 “(4) A project description has been submitted
6 by the resource advisory committee to the Secretary
7 concerned in accordance with section 203.

8 “(5) The project will improve the maintenance
9 of existing infrastructure, implement stewardship ob-
10 jectives that enhance forest ecosystems, and restore
11 and improve land health and water quality.

12 “(b) ENVIRONMENTAL REVIEWS.—

13 “(1) REQUEST FOR PAYMENT BY COUNTY.—
14 The Secretary concerned may request the resource
15 advisory committee submitting a proposed project to
16 agree to the use of project funds to pay for any envi-
17 ronmental review, consultation, or compliance with
18 applicable environmental laws required in connection
19 with the project.

20 “(2) CONDUCT OF ENVIRONMENTAL REVIEW.—
21 If a payment is requested under paragraph (1) and
22 the resource advisory committee agrees to the ex-
23 penditure of funds for this purpose, the Secretary
24 concerned shall conduct environmental review, con-

1 sultation, or other compliance responsibilities in ac-
2 cordance with Federal laws (including regulations).

3 “(3) EFFECT OF REFUSAL TO PAY.—

4 “(A) IN GENERAL.—If a resource advisory
5 committee does not agree to the expenditure of
6 funds under paragraph (1), the project shall be
7 deemed withdrawn from further consideration
8 by the Secretary concerned pursuant to this
9 title.

10 “(B) EFFECT OF WITHDRAWAL.—A with-
11 drawal under subparagraph (A) shall be deemed
12 to be a rejection of the project for purposes of
13 section 207(c).

14 “(c) DECISIONS OF SECRETARY CONCERNED.—

15 “(1) REJECTION OF PROJECTS.—

16 “(A) IN GENERAL.—A decision by the Sec-
17 retary concerned to reject a proposed project
18 shall be at the sole discretion of the Secretary
19 concerned.

20 “(B) NO ADMINISTRATIVE APPEAL OR JU-
21 DICIAL REVIEW.—Notwithstanding any other
22 provision of law, a decision by the Secretary
23 concerned to reject a proposed project shall not
24 be subject to administrative appeal or judicial
25 review.

1 “(C) NOTICE OF REJECTION.—Not later
2 than 30 days after the date on which the Sec-
3 retary concerned makes the rejection decision,
4 the Secretary concerned shall notify in writing
5 the resource advisory committee that submitted
6 the proposed project of the rejection and the
7 reasons for rejection.

8 “(2) NOTICE OF PROJECT APPROVAL.—The
9 Secretary concerned shall publish in the Federal
10 Register notice of each project approved under sub-
11 section (a) if the notice would be required had the
12 project originated with the Secretary.

13 “(d) SOURCE AND CONDUCT OF PROJECT.—Once the
14 Secretary concerned accepts a project for review under
15 section 203, the acceptance shall be deemed a Federal ac-
16 tion for all purposes.

17 “(e) IMPLEMENTATION OF APPROVED PROJECTS.—

18 “(1) COOPERATION.—Notwithstanding chapter
19 63 of title 31, United States Code, using project
20 funds the Secretary concerned may enter into con-
21 tracts, grants, and cooperative agreements with
22 States and local governments, private and nonprofit
23 entities, and landowners and other persons to assist
24 the Secretary in carrying out an approved project.

25 “(2) BEST VALUE CONTRACTING.—

1 “(A) IN GENERAL.—For any project in-
2 volving a contract authorized by paragraph (1)
3 the Secretary concerned may elect a source for
4 performance of the contract on a best value
5 basis.

6 “(B) FACTORS.—The Secretary concerned
7 shall determine best value based on such factors
8 as—

9 “(i) the technical demands and com-
10 plexity of the work to be done;

11 “(ii)(I) the ecological objectives of the
12 project; and

13 “(II) the sensitivity of the resources
14 being treated;

15 “(iii) the past experience by the con-
16 tractor with the type of work being done,
17 using the type of equipment proposed for
18 the project, and meeting or exceeding de-
19 sired ecological conditions; and

20 “(iv) the commitment of the con-
21 tractor to hiring highly qualified workers
22 and local residents.

23 “(3) MERCHANTABLE TIMBER CONTRACTING
24 PILOT PROGRAM.—

1 “(A) ESTABLISHMENT.—The Secretary
2 concerned shall establish a pilot program to im-
3 plement a certain percentage of approved
4 projects involving the sale of merchantable tim-
5 ber using separate contracts for—

6 “(i) the harvesting or collection of
7 merchantable timber; and

8 “(ii) the sale of the timber.

9 “(B) ANNUAL PERCENTAGES.—Under the
10 pilot program, the Secretary concerned shall en-
11 sure that, on a nationwide basis, not less than
12 the following percentage of all approved projects
13 involving the sale of merchantable timber are
14 implemented using separate contracts:

15 “(i) For fiscal year 2007, 25 percent.

16 “(ii) For fiscal year 2008, 35 percent.

17 “(iii) For fiscal year 2009, 45 per-
18 cent.

19 “(iv) For each of fiscal years 2010
20 and 2011, 50 percent.

21 “(C) INCLUSION IN PILOT PROGRAM.—The
22 decision whether to use separate contracts to
23 implement a project involving the sale of mer-
24 chantable timber shall be made by the Sec-

1 retary concerned after the approval of the
2 project under this title.

3 “(D) ASSISTANCE.—

4 “(i) IN GENERAL.—The Secretary
5 concerned may use funds from any appro-
6 priated account available to the Secretary
7 for the Federal land to assist in the ad-
8 ministration of projects conducted under
9 the pilot program.

10 “(ii) MAXIMUM AMOUNT OF ASSIST-
11 ANCE.—The total amount obligated under
12 this subparagraph may not exceed
13 \$1,000,000 for any fiscal year during
14 which the pilot program is in effect.

15 “(E) REVIEW AND REPORT.—

16 “(i) INITIAL REPORT.—Not later than
17 September 30, 2009, the Comptroller Gen-
18 eral shall submit to the Committees on Ag-
19 riculture, Nutrition, and Forestry and En-
20 ergy and Natural Resources of the Senate
21 and the Committees on Agriculture and
22 Natural Resources of the House of Rep-
23 resentatives a report assessing the pilot
24 program.

1 “(ii) ANNUAL REPORT.—The Sec-
2 retary concerned shall submit to the Com-
3 mittees on Agriculture, Nutrition, and For-
4 estry and Energy and Natural Resources
5 of the Senate and the Committees on Agri-
6 culture and Natural Resources of the
7 House of Representatives an annual report
8 describing the results of the pilot program.

9 “(f) REQUIREMENTS FOR PROJECT FUNDS.—The
10 Secretary shall ensure that at least 50 percent of all
11 project funds be used for projects that are primarily dedi-
12 cated—

13 “(1) to road maintenance, decommissioning, or
14 obliteration; or

15 “(2) to restoration of streams and watersheds.

16 **“SEC. 205. RESOURCE ADVISORY COMMITTEES.**

17 “(a) ESTABLISHMENT AND PURPOSE OF RESOURCE
18 ADVISORY COMMITTEES.—

19 “(1) ESTABLISHMENT.—The Secretary con-
20 cerned shall establish and maintain resource advi-
21 sory committees to perform the duties in subsection
22 (b), except as provided in paragraph (4).

23 “(2) PURPOSE.—The purpose of a resource ad-
24 visory committee shall be—

1 “(A) to improve collaborative relationships;
2 and

3 “(B) to provide advice and recommenda-
4 tions to the land management agencies con-
5 sistent with the purposes of this title.

6 “(3) ACCESS TO RESOURCE ADVISORY COMMIT-
7 TEES.—To ensure that each unit of Federal land
8 has access to a resource advisory committee, and
9 that there is sufficient interest in participation on a
10 committee to ensure that membership can be bal-
11 anced in terms of the points of view represented and
12 the functions to be performed, the Secretary con-
13 cerned may, establish resource advisory committees
14 for part of, or 1 or more, units of Federal land.

15 “(4) EXISTING ADVISORY COMMITTEES.—

16 “(A) IN GENERAL.—An advisory com-
17 mittee that meets the requirements of this sec-
18 tion, an advisory committee established before
19 the date of enactment of this Act, or an advi-
20 sory committee determined by the Secretary
21 concerned to meet the requirements of this sec-
22 tion before the date of enactment of this Act
23 may be deemed by the Secretary concerned to
24 be a resource advisory committee for the pur-
25 poses of this title.

1 “(B) CHARTER.—A charter for a com-
2 mittee described in subparagraph (A) that was
3 filed on or before September 29, 2006, shall be
4 considered to be filed for purposes of this Act.

5 “(C) BUREAU OF LAND MANAGEMENT AD-
6 VISORY COMMITTEES.—The Secretary of the In-
7 terior may deem a resource advisory committee
8 meeting the requirements of subpart 1784 of
9 part 1780 of title 43, Code of Federal Regula-
10 tions, as a resource advisory committee for the
11 purposes of this title.

12 “(b) DUTIES.—A resource advisory committee
13 shall—

14 “(1) review projects proposed under this title by
15 participating counties and other persons;

16 “(2) propose projects and funding to the Sec-
17 retary concerned under section 203;

18 “(3) provide early and continuous coordination
19 with appropriate land management agency officials
20 in recommending projects consistent with purposes
21 of this Act under this title;

22 “(4) provide frequent opportunities for citizens,
23 organizations, tribes, land management agencies,
24 and other interested parties to participate openly

1 and meaningfully, beginning at the early stages of
2 the project development process under this title;

3 “(5)(A) monitor projects that have been ap-
4 proved under section 204; and

5 “(B) advise the designated Federal official on
6 the progress of the monitoring efforts under sub-
7 paragraph (A); and

8 “(6) make recommendations to the Secretary
9 concerned for any appropriate changes or adjust-
10 ments to the projects being monitored by the re-
11 source advisory committee.

12 “(c) APPOINTMENT BY THE SECRETARY.—

13 “(1) APPOINTMENT AND TERM.—

14 “(A) IN GENERAL.—The Secretary con-
15 cerned, shall appoint the members of resource
16 advisory committees for a term of 4 years be-
17 ginning on the date of appointment.

18 “(B) REAPPOINTMENT.—The Secretary
19 concerned may reappoint members to subse-
20 quent 4-year terms.

21 “(2) BASIC REQUIREMENTS.—The Secretary
22 concerned shall ensure that each resource advisory
23 committee established meets the requirements of
24 subsection (d).

1 “(3) INITIAL APPOINTMENT.—Not later than
2 180 days after the date of the enactment of this Act,
3 the Secretary concerned shall make initial appoint-
4 ments to the resource advisory committees.

5 “(4) VACANCIES.—The Secretary concerned
6 shall make appointments to fill vacancies on any re-
7 source advisory committee as soon as practicable
8 after the vacancy has occurred.

9 “(5) COMPENSATION.—Members of the re-
10 source advisory committees shall not receive any
11 compensation.

12 “(d) COMPOSITION OF ADVISORY COMMITTEE.—

13 “(1) NUMBER.—Each resource advisory com-
14 mittee shall be comprised of 15 members.

15 “(2) COMMUNITY INTERESTS REPRESENTED.—
16 Committee members shall be representative of the
17 interests of the following 3 categories:

18 “(A) 5 persons that—

19 “(i) represent organized labor or non-
20 timber forest product harvester groups;

21 “(ii) represent developed outdoor
22 recreation, off highway vehicle users, or
23 commercial recreation activities;

24 “(iii) represent—

1 “(I) energy and mineral develop-
2 ment interests; or

3 “(II) commercial or recreational
4 fishing interests;

5 “(iv) represent the commercial timber
6 industry; or

7 “(v) hold Federal grazing or other
8 land use permits, or represent nonindus-
9 trial private forest land owners, within the
10 area for which the committee is organized.

11 “(B) 5 persons that represent—

12 “(i) nationally recognized environ-
13 mental organizations;

14 “(ii) regionally or locally recognized
15 environmental organizations;

16 “(iii) dispersed recreational activities;

17 “(iv) archaeological and historical in-
18 terests; or

19 “(v) nationally or regionally recog-
20 nized wild horse and burro interest groups,
21 wildlife or hunting organizations, or water-
22 shed associations.

23 “(C) 5 persons that—

24 “(i) hold State elected office (or a
25 designee);

1 “(ii) hold county or local elected of-
2 fice;

3 “(iii) represent American Indian
4 tribes within or adjacent to the area for
5 which the committee is organized;

6 “(iv) are school officials or teachers;
7 or

8 “(v) represent the affected public at
9 large.

10 “(3) BALANCED REPRESENTATION.—In ap-
11 pointing committee members from the 3 categories
12 in paragraph (2), the Secretary concerned shall pro-
13 vide for balanced and broad representation from
14 within each category.

15 “(4) GEOGRAPHIC DISTRIBUTION.—The mem-
16 bers of a resource advisory committee shall reside
17 within the State in which the committee has juris-
18 diction and, to extent practicable, the Secretary con-
19 cerned shall ensure local representation in each cat-
20 egory in paragraph (2).

21 “(5) CHAIRPERSON.—A majority on each re-
22 source advisory committee shall select the chair-
23 person of the committee.

24 “(e) APPROVAL PROCEDURES.—

1 “(1) IN GENERAL.—Subject to paragraph (3),
2 each resource advisory committee shall establish pro-
3 cedures for proposing projects to the Secretary con-
4 cerned under this title.

5 “(2) QUORUM.—A quorum must be present to
6 constitute an official meeting of the committee.

7 “(3) APPROVAL BY MAJORITY OF MEMBERS.—
8 A project may be proposed by a resource advisory
9 committee to the Secretary concerned under section
10 203(a), if the project has been approved by a major-
11 ity of members of the committee from each of the
12 3 categories in subsection (d)(2).

13 “(f) OTHER COMMITTEE AUTHORITIES AND RE-
14 QUIREMENTS.—

15 “(1) STAFF ASSISTANCE.—A resource advisory
16 committee may submit to the Secretary concerned a
17 request for periodic staff assistance from Federal
18 employees under the jurisdiction of the Secretary.

19 “(2) MEETINGS.—All meetings of a resource
20 advisory committee shall be announced at least 1
21 week in advance in a local newspaper of record and
22 shall be open to the public.

23 “(3) RECORDS.—A resource advisory committee
24 shall maintain records of the meetings of the com-

1 mittee and make the records available for public in-
2 spection.

3 **“SEC. 206. USE OF PROJECT FUNDS.**

4 “(a) AGREEMENT REGARDING SCHEDULE AND COST
5 OF PROJECT.—

6 “(1) AGREEMENT BETWEEN PARTIES.—The
7 Secretary concerned may carry out a project sub-
8 mitted by a resource advisory committee under sec-
9 tion 203(a) using project funds or other funds de-
10 scribed in section 203(a)(2), if, as soon as prac-
11 ticable after the issuance of a decision document for
12 the project and the exhaustion of all administrative
13 appeals and judicial review of the project decision,
14 the Secretary concerned and the resource advisory
15 committee enter into an agreement addressing, at a
16 minimum, the following:

17 “(A) The schedule for completing the
18 project.

19 “(B) The total cost of the project, includ-
20 ing the level of agency overhead to be assessed
21 against the project.

22 “(C) For a multiyear project, the esti-
23 mated cost of the project for each of the fiscal
24 years in which it will be carried out.

1 “(D) The remedies for failure of the Sec-
2 retary concerned to comply with the terms of
3 the agreement consistent with current Federal
4 law.

5 “(2) LIMITED USE OF FEDERAL FUNDS.—The
6 Secretary concerned may decide, at the sole discre-
7 tion of the Secretary concerned, to cover the costs
8 of a portion of an approved project using Federal
9 funds appropriated or otherwise available to the Sec-
10 retary for the same purposes as the project.

11 “(b) TRANSFER OF PROJECT FUNDS.—

12 “(1) INITIAL TRANSFER REQUIRED.—As soon
13 as practicable after the agreement is reached under
14 subsection (a) with regard to a project to be funded
15 in whole or in part using project funds, or other
16 funds described in section 203(a)(2), the Secretary
17 concerned shall transfer to the applicable unit of Na-
18 tional Forest System land or Bureau of Land Man-
19 agement District an amount of project funds equal
20 to—

21 “(A) in the case of a project to be com-
22 pleted in a single fiscal year, the total amount
23 specified in the agreement to be paid using
24 project funds, or other funds described in sec-
25 tion 203(a)(2); or

1 “(B) in the case of a multiyear project, the
2 amount specified in the agreement to be paid
3 using project funds, or other funds described in
4 section 203(a)(2) for the first fiscal year.

5 “(2) CONDITION ON PROJECT COMMENCE-
6 MENT.—The unit of National Forest System land or
7 Bureau of Land Management District concerned,
8 shall not commence a project until the project funds,
9 or other funds described in section 203(a)(2) re-
10 quired to be transferred under paragraph (1) for the
11 project, have been made available by the Secretary
12 concerned.

13 “(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR
14 PROJECTS.—

15 “(A) IN GENERAL.—For the second and
16 subsequent fiscal years of a multiyear project to
17 be funded in whole or in part using project
18 funds, the unit of National Forest System land
19 or Bureau of Land Management District con-
20 cerned shall use the amount of project funds re-
21 quired to continue the project in that fiscal year
22 according to the agreement entered into under
23 subsection (a).

24 “(B) SUSPENSION OF WORK.—The Sec-
25 retary concerned shall suspend work on the

1 project if the project funds required by the
2 agreement in the second and subsequent fiscal
3 years are not available.

4 **“SEC. 207. AVAILABILITY OF PROJECT FUNDS.**

5 “(a) SUBMISSION OF PROPOSED PROJECTS TO OBLI-
6 GATE FUNDS.—By September 30 of each fiscal year
7 through fiscal year 2011, a resource advisory committee
8 shall submit to the Secretary concerned pursuant to sec-
9 tion 203(a)(1) a sufficient number of project proposals
10 that, if approved, would result in the obligation of at least
11 the full amount of the project funds reserved by the par-
12 ticipating county in the preceding fiscal year.

13 “(b) USE OR TRANSFER OF UNOBLIGATED
14 FUNDS.—Subject to section 208, if a resource advisory
15 committee fails to comply with subsection (a) for a fiscal
16 year, any project funds reserved by the participating coun-
17 ty in the preceding fiscal year and remaining unobligated
18 shall be available for use as part of the project submissions
19 in the next fiscal year.

20 “(c) EFFECT OF REJECTION OF PROJECTS.—Subject
21 to section 208, any project funds reserved by a partici-
22 pating county in the preceding fiscal year that are unobli-
23 gated at the end of a fiscal year because the Secretary
24 concerned has rejected one or more proposed projects shall

1 be available for use as part of the project submissions in
2 the next fiscal year.

3 “(d) EFFECT OF COURT ORDERS.—

4 “(1) IN GENERAL.—If an approved project
5 under this Act is enjoined or prohibited by a Federal
6 court, the Secretary concerned shall return the un-
7 obligated project funds related to the project to the
8 participating county or counties that reserved the
9 funds.

10 “(2) EXPENDITURE OF FUNDS.—The returned
11 funds shall be available for the county to expend in
12 the same manner as the funds reserved by the coun-
13 ty under subparagraph (B) or (C)(i) of section
14 102(d)(1).

15 **“SEC. 208. TERMINATION OF AUTHORITY.**

16 “(a) IN GENERAL.—The authority to initiate projects
17 under this title shall terminate on September 30, 2011.

18 “(b) DEPOSITS IN TREASURY.—Any project funds
19 not obligated by September 30, 2012, shall be deposited
20 in the Treasury of the United States.

21 **“TITLE III—COUNTY FUNDS**

22 **“SEC. 301. DEFINITIONS.**

23 “In this title:

24 “(1) COUNTY FUNDS.—The term ‘county funds’
25 means all funds an eligible county elects under sec-

1 tion 102(d) to reserve for expenditure in accordance
2 with this title.

3 “(2) PARTICIPATING COUNTY.—The term ‘par-
4 ticipating county’ means an eligible county that
5 elects under section 102(d) to expend a portion of
6 the Federal funds received under section 102 in ac-
7 cordance with this title.

8 **“SEC. 302. USE.**

9 “(a) AUTHORIZED USES.—A participating county,
10 including any applicable agencies of the participating
11 county, shall use county funds, in accordance with this
12 title, only—

13 “(1) to carry out activities under the Firewise
14 Communities program to provide to homeowners in
15 fire-sensitive ecosystems education on, and assist-
16 ance with implementing, techniques in home siting,
17 home construction, and home landscaping that can
18 increase the protection of people and property from
19 wildfires;

20 “(2) to reimburse the participating county for
21 search and rescue and other emergency services, in-
22 cluding firefighting, that are—

23 “(A) performed on Federal land after the
24 date on which the use was approved under sub-
25 section (b);

1 “(B) paid for by the participating county;

2 and

3 “(3) to develop community wildfire protection
4 plans in coordination with the appropriate Secretary
5 concerned.

6 “(b) PROPOSALS.—A participating county shall use
7 county funds for a use described in subsection (a) only
8 after a 45-day public comment period, at the beginning
9 of which the participating county shall—

10 “(1) publish in any publications of local record
11 a proposal that describes the proposed use of the
12 county funds; and

13 “(2) submit the proposal to any resource advi-
14 sory committee established under section 205 for the
15 participating county.

16 **“SEC. 303. CERTIFICATION.**

17 “(a) IN GENERAL.—Not later than February 1 of the
18 year after the year in which any county funds were ex-
19 pended by a participating county, the appropriate official
20 of the participating county shall submit to the Secretary
21 concerned a certification that the county funds expended
22 in the applicable year have been used for the uses author-
23 ized under section 302(a), including a description of the
24 amounts expended and the uses for which the amounts
25 were expended.

1 “(b) REVIEW.—The Secretary concerned shall review
2 the certifications submitted under subsection (a) as the
3 Secretary concerned determines to be appropriate.

4 **“SEC. 304. TERMINATION OF AUTHORITY.**

5 “(a) IN GENERAL.—The authority to initiate projects
6 under this title terminates on September 30, 2011.

7 “(b) AVAILABILITY.—Any county funds not obligated
8 by September 30, 2012, shall be deposited in the Treasury
9 of the United States.

10 **“TITLE IV—MISCELLANEOUS**
11 **PROVISIONS**

12 **“SEC. 401. REGULATIONS.**

13 “The Secretary of Agriculture and the Secretary of
14 the Interior shall jointly issue regulations to carry out the
15 purposes of this Act.

16 **“SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) IN GENERAL.—There are authorized to be ap-
18 propriated such sums as are necessary to carry out this
19 Act for each of fiscal years 2007 through 2011.

20 “(b) EMERGENCY DESIGNATION.—Of the amounts
21 authorized to be appropriated under subsection (a) for fis-
22 cal year 2007, \$425,000,000 is designated as an emer-
23 gency requirement pursuant to section 402 of H. Con.
24 Res. 95 (109th Congress).

1 **“SEC. 403. TREATMENT OF FUNDS AND REVENUES.**

2 “(a) RELATION TO OTHER APPROPRIATIONS.—

3 Funds made available under section 402 and funds made
4 available to a Secretary concerned under section 206 shall
5 be in addition to any other annual appropriations for the
6 Forest Service and the Bureau of Land Management.

7 “(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—

8 All revenues generated from projects pursuant to title II,
9 including any interest accrued from the revenues, shall be
10 deposited in the Treasury of the United States.”.

11 (b) FOREST RECEIPT PAYMENTS TO ELIGIBLE
12 STATES AND COUNTIES.—

13 (1) ACT OF MAY 23, 1908.—The sixth paragraph
14 under the heading “FOREST SERVICE” in the Act of
15 May 23, 1908 (16 U.S.C. 500) is amended in the
16 first sentence by striking “twenty-five percentum”
17 and all that follows through “shall be paid” and in-
18 serting the following: “an amount equal to the an-
19 nual average of 25 percent of all amounts received
20 for the applicable fiscal year and each of the pre-
21 ceding 6 fiscal years from each national forest shall
22 be paid”.

23 (2) WEEKS LAW.—Section 13 of the Act of
24 March 1, 1911 (commonly known as the “Weeks
25 Law”) (16 U.S.C. 500) is amended in the first sen-
26 tence by striking “twenty-five percentum” and all

1 that follows through “shall be paid” and inserting
2 the following: “an amount equal to the annual aver-
3 age of 25 percent of all amounts received for the ap-
4 plicable fiscal year and each of the preceding 6 fiscal
5 years from each national forest shall be paid”.

6 (c) PAYMENTS IN LIEU OF TAXES.—

7 (1) IN GENERAL.—Section 6906 of title 31,
8 United States Code, is amended to read as follows:

9 **“§ 6906. Funding**

10 “For each of fiscal years 2008 through 2012, such
11 sums as are authorized under this chapter shall be made
12 available to the Secretary of the Interior, out of any
13 amounts in the Treasury not otherwise appropriated, for
14 obligation or expenditure in accordance with this chap-
15 ter.”.

16 (2) CONFORMING AMENDMENT.—The table of
17 sections for chapter 69 of title 31, United States
18 Code, is amended by striking the item relating to
19 section 6906 and inserting the following:

“6906. Funding.”.

20 (d) INCREASE IN INFORMATION RETURN PEN-
21 ALTIES.—

22 (1) FAILURE TO FILE CORRECT INFORMATION
23 RETURNS.—

1 (A) IN GENERAL.—Section 6721(a)(1) of
2 the Internal Revenue Code of 1986 is amend-
3 ed—

4 (i) by striking “\$50” and inserting
5 “\$250”, and

6 (ii) by striking “\$250,000” and in-
7 serting “\$3,000,000”.

8 (B) REDUCTION WHERE CORRECTION IN
9 SPECIFIED PERIOD.—

10 (i) CORRECTION WITHIN 30 DAYS.—
11 Section 6721(b)(1) of such Code is amend-
12 ed—

13 (I) by striking “\$15” and insert-
14 ing “\$50”,

15 (II) by striking “\$50” and in-
16 serting “\$250”, and

17 (III) by striking “\$75,000” and
18 inserting “\$500,000”.

19 (ii) FAILURES CORRECTED ON OR BE-
20 FORE AUGUST 1.—Section 6721(b)(2) of
21 such Code is amended—

22 (I) by striking “\$30” and insert-
23 ing “\$100”,

24 (II) by striking “\$50” and in-
25 serting “\$250”, and

1 (III) by striking “\$150,000” and
2 inserting “\$1,500,000”.

3 (C) LOWER LIMITATION FOR PERSONS
4 WITH GROSS RECEIPTS OF NOT MORE THAN
5 \$5,000,000.—Section 6721(d)(1) of such Code
6 is amended—

7 (i) in subparagraph (A)—

8 (I) by striking “\$100,000” and
9 inserting “\$1,000,000”, and

10 (II) by striking “\$250,000” and
11 inserting “\$3,000,000”,

12 (ii) in subparagraph (B)—

13 (I) by striking “\$25,000” and in-
14 serting “\$175,000”, and

15 (II) by striking “\$75,000” and
16 inserting “\$500,000”, and

17 (iii) in subparagraph (C)—

18 (I) by striking “\$50,000” and in-
19 serting “\$500,000”, and

20 (II) by striking “\$150,000” and
21 inserting “\$1,500,000”.

22 (D) PENALTY IN CASE OF INTENTIONAL
23 DISREGARD.—Section 6721(e) of such Code is
24 amended—

1 (i) by striking “\$100” in paragraph
2 (2) and inserting “\$500”,

3 (ii) by striking “\$250,000” in para-
4 graph (3)(A) and inserting “\$3,000,000”.

5 (2) FAILURE TO FURNISH CORRECT PAYEE
6 STATEMENTS.—

7 (A) IN GENERAL.—Section 6722(a) of the
8 Internal Revenue Code of 1986 is amended—

9 (i) by striking “\$50” and inserting
10 “\$250”, and

11 (ii) by striking “\$100,000” and in-
12 serting “\$1,000,000”.

13 (B) PENALTY IN CASE OF INTENTIONAL
14 DISREGARD.—Section 6722(c) of such Code is
15 amended—

16 (i) by striking “\$100” in paragraph
17 (1) and inserting “\$500”, and

18 (ii) by striking “\$100,000” in para-
19 graph (2)(A) and inserting “\$1,000,000”.

20 (3) FAILURE TO COMPLY WITH OTHER INFOR-
21 MATION REPORTING REQUIREMENTS.—Section 6723
22 of the Internal Revenue Code of 1986 is amended—

23 (A) by striking “\$50” and inserting
24 “\$250”, and

1 (B) by striking “\$100,000” and inserting
2 “\$1,000,000”.

3 (4) EFFECTIVE DATE.—The amendments made
4 by this section shall apply with respect to informa-
5 tion returns required to be filed on or after January
6 1, 2008.

7 (e) REPEAL OF SUSPENSION OF CERTAIN PEN-
8 ALTIES AND INTEREST.—

9 (1) IN GENERAL.—Section 6404 of the Internal
10 Revenue Code of 1986 is amended by striking sub-
11 section (g).

12 (2) EFFECTIVE DATE.—

13 (A) IN GENERAL.—Except as provided in
14 paragraph (2), the amendment made by this
15 section shall apply to notices provided by the
16 Secretary of the Treasury, or his delegate after
17 the date which is 6 months after the date of the
18 enactment of this Act.

19 (B) EXCEPTION FOR CERTAIN TAX-
20 PAYERS.—The amendment made by this section
21 shall not apply to any taxpayer with respect to
22 whom a suspension of any interest, penalty, ad-
23 dition to tax, or other amount is in effect on
24 the date which is 6 months after the date of the
25 enactment of this Act.

1 (f) PARTICIPANTS IN GOVERNMENT SECTION 457
2 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS
3 ROTH CONTRIBUTIONS.—

4 (1) IN GENERAL.—Section 402A(e)(1) of the
5 Internal Revenue Code of 1986 (defining applicable
6 retirement plan) is amended by striking “and” at
7 the end of subparagraph (A), by striking the period
8 at the end of subparagraph (B) and inserting “,
9 and”, and by adding at the end the following:

10 “(C) an eligible deferred compensation
11 plan (as defined in section 457(b)) of an eligible
12 employer described in section 457(e)(1)(A).”.

13 (2) ELECTIVE DEFERRALS.—Section
14 402A(e)(2) of the Internal Revenue Code of 1986
15 (defining elective deferral) is amended to read as fol-
16 lows:

17 “(2) ELECTIVE DEFERRAL.—The term ‘elective
18 deferral’ means—

19 “(A) any elective deferral described in sub-
20 paragraph (A) or (C) of section 402(g)(3), and

21 “(B) any elective deferral of compensation
22 by an individual under an eligible deferred com-
23 pensation plan (as defined in section 457(b)) of
24 an eligible employer described in section
25 457(e)(1)(A).”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply to taxable years begin-
3 ning after December 31, 2007.